UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ENERGY INTELLIGENCE GROUP, INC. and ENERGY INTELLIGENCE GROUP (UK) LIMITED,

Plaintiffs,

v.

CREDIT AGRICOLE CORPORATE AND INVESTMENT BANK,

Defendant.

Civil Action No. 16-cv-2155 (RJS)
CASE MANAGEMENT PLAN AND SCHEDULING ORDER

RICHARD J. SULLIVAN, District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order.

1. All parties **do not consent** to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c).

2. This case **is** to be tried to a jury.

3. No additional parties may be joined except with leave of the Court.

4. Amended pleadings may not be filed except with leave of the Court.

5. Initial disclosures pursuant to Rule 26(a)(1) shall be completed no later than **October 12, 2016**.

6. All *fact* discovery is to be completed no later than **March 28, 2017**. The parties believe that, due to the complexities and volume of electronically-stored information that will be produced in this case and the potential number of fact witnesses, the requested time period for fact discovery is necessary.

7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The parties will work together on formulating a plan for electronic discovery appropriate to the needs of the case and will contact the Court for guidance in the event an agreement cannot be reached.

The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 6 above.

a. Initial requests for production of documents shall be served by **October 28, 2016**.

b. First sets of interrogatories shall be served by **October 28, 2016**.

c. Depositions shall be completed by **March 28, 2017**.

i. Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.

ii. There is no priority in deposition by reason of a party's status as a plaintiff or a defendant.

iii. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.

d. Requests to Admit shall be served no later than **February 15, 2017**.

8. All *expert* disclosures, including reports, production of underlying documents, and depositions shall be completed pursuant to the following deadlines:

a. Both parties' initial expert disclosures, including reports and production of underlying documents: **April 4, 2017**.

b. Both parties' rebuttal expert disclosures, including reports and production of underlying documents: **May 4, 2017**.

c. Plaintiffs' expert depositions: **June 2, 2017**.

d. Defendant's expert depositions: **June 2, 2017**.

9. All discovery shall be completed no later than **June 2, 2017**.

10. The Court will conduct a post-discovery conference on ________________.

11. If either party contemplates a motion, the post-discovery conference will function as a pre-motion conference. Pre-motion letters are to be submitted no later than ________________. Pursuant to Rule 2.A of the Court's Individual Practices, responses to pre-motion letters are to be submitted within three business days from the date of submission of the initial pre-motion letter. Pre-motion letters and responses shall be submitted pursuant to Rule 1.A of the Court's Individual Rules of Practice.

12. If neither party contemplates a dispositive motion, the post-discovery conference will function as a pre-trial conference at which a trial date will be set.

13. The parties participated in a settlement conference before Magistrate Judge Francis on September 21, 2016, but were unable to arrive at a settlement.

14. The parties have conferred and their present best estimate for the length of trial is 5-7 total trial days.

15. In the case of a discovery dispute, unless otherwise directed, parties should describe their discovery disputes in a single letter, jointly composed, not to exceed five pages. Separate and successive letters will not be read. Strict adherence to Fed. R. Civ. P. 37(a)(1), the "meet and confer" rule, is required, and should be described in the joint submission as to time, place and duration, naming the counsel involved in the discussion. The joint letter shall describe concisely the issues in dispute and the respective position of each party, citing the applicable authority that the respective parties claim for support. As a general matter, affidavits or exhibits are not permitted in connection with discovery dispute letters without prior written request and permission. However, when the dispute concerns the refusal to respond to a specific written request, the parties shall attach that request. If an opposing party refuses to participate in writing a joint letter or does not provide its portion of a joint letter within 72 hours of a party's request, a party may submit a letter without the opposing party's contribution and shall attach a copy of the correspondence seeking the opposing party's contribution.

16. No request for an extension of the deadlines set forth in ¶¶ 6 or 9 shall be granted unless the parties seeking the extension show good cause for the extension and specifically explain (1) what discovery has already been completed, (2) what discovery remains to be done, and (3) why the parties were unable to comply with the preexisting deadlines. As a general matter, the Court will not adjourn a deadline by more than the number of days remaining from the time of the request to the original deadline. (That is, if at the time of the request there are twenty days left before the deadline, the Court will not adjourn the deadline more than twenty days.)

SO ORDERED.

DATED: ___________________, 2016
New York, New York

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RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE